

# ***EVALUATION REPORT ON THE PROGRESS OF THE MASSACHUSETTS LEGAL SERVICES COMMUNITY IN CREATING A COMPREHENSIVE, INTEGRATED AND CLIENT- CENTERED DELIVERY SYSTEM***

## **Introduction**

The Massachusetts legal services community agrees with LSC that "...the effort to create state justice communities is ongoing..." and that periodic assessments or evaluations are essential to ensure that the delivery system is responsive both to changing client needs and other environmental developments that impact the system. Such evaluations should assess the progress made toward meeting goals previously articulated as well as the continuing validity of the goals themselves. It is important from time to time to restate or reaffirm goals and/or to revise goals in light of new experiences or information.

In assessing the progress Massachusetts has made in creating a comprehensive, integrated and client centered delivery system, legal services programs, clients, funders and supporters have looked not only at the delivery system itself, but also have assessed the broader environment in which the system must function. The broader environment can, and often does, limit or direct the justice community's decisions.

The following report was prepared by the Legal Services Corporation (LSC) grantees in conjunction with the non-LSC funded programs. Issues involving access to the system were the topic of two special sessions. The first was a daylong meeting of the legal services project directors on February 8, 2001, using an outside facilitator. The second session was a statewide meeting attended by legal services staff, board members, clients and other members of the Equal Justice Coalition and convened by the Massachusetts Legal Assistance Corporation (MLAC) as part of its annual meeting on March 21, 2001.

Further input on the evaluation process was sought by sharing a draft of this Report with all segments of the justice community (a complete list of those with whom the draft was shared is found at Attachment A), legal services program boards, all state, county, local and specialty bar associations, members of the judiciary and members of the Equal Justice Coalition (a list is found at Attachment B).

The Massachusetts justice community acknowledges that much is to be done before equal justice becomes a reality in Massachusetts. Over the past four to five years, however, more people and organizations have become involved with, and supportive of, the efforts to achieve the goal of equal justice than ever before. The

community is encouraged and energized by the progress made and looks forward to additional achievements in the coming years.

**A. To What Extent Has a Comprehensive, Integrated Client-Centered Legal Services Delivery System Been Achieved in Massachusetts**

**1. Important Issues Impacting Low Income People in Massachusetts and Legal Services Community's Response**

In Massachusetts, as in many places, many and varied problems typically affect low-income people. Some of the more common issues presented include problems with creditors; denials and terminations of a number of public benefit programs; access to health care, particularly for the elderly; nursing home availability and conditions; family matters, including custody and support issues; education, specifically special education concerns. In Massachusetts, perhaps the two most important matters are the lack of affordable housing and domestic violence.

At present, approximately 40% of all inquiries to legal services programs involve housing matters. In 2000, Massachusetts was the number one state in the nation in the rate of increase of residential housing costs and the second or third in the actual cost of housing. As a result, housing is a major priority in every office of every legal aid program. Resources are allocated to both individual representation and more systemic strategies. The legal aid statewide Housing Coalition analyzes systemic housing problems and coordinates advocacy efforts throughout Massachusetts. Advocates employ a number of strategies. Massachusetts has been a national leader in the preservation of expiring uses in privately developed, publicly subsidized low and moderate-income housing. Under the terms of the subsidized mortgages when the mortgages are paid, the low-income use requirement expires. As most of these developments were built in the '70s many "uses" are now expiring. The housing market is further exacerbating the situation, as it is now financially beneficial to pre-pay the low-interest mortgage to end the restrictions on use. Due to efforts of legal aid advocates around the state, it is estimated that well over 600 units have been preserved for low-income residents.

Much effort has been made in recent years to save existing affordable units from demolition or loss and to make federal section 8 vouchers more useable. Other efforts include work by both *pro bono* attorneys and legal services staff to assist in community economic development issues and the development of low-income housing by non-profit developers. The statewide Lawyers Clearinghouse on Affordable Housing and Homelessness has been touted as a national model to involve the real estate bar in this important work.

In addition to individual representation, both staff and *pro bono* efforts increase the number of people assisted with housing problems through the institutionalization of *pro se* assistance. Intake staff throughout the state provides

detailed legal advice by telephone. Some programs operate *pro se* clinics on eviction defense. Others, in conjunction with the private bar, manage Attorney of the Day programs in regional Housing Courts where the volume of evictions is particularly high.

Efforts to preserve and expand affordable housing include work with low-income homeowners to preserve their homes. In communities with a high percentage of low-income homeowners, community legal education programs inform homeowners of their rights and responsibilities as landlords, address issues involved in working with contractors, provide information on refinancing options, on programs which can reduce the cost of homeownership (hardship tax abatements) or protect one's equity (homesteading). Both staff and *pro bono* lawyers also serve as counsel in new homebuyer programs.

The community's response to the crisis has been both creative and effective. However, the magnitude of the problem is staggering. In September 2000, the Center for Urban and Regional Policy at Northeastern University issued a report, *A New Paradigm for Housing in Greater Boston*. The report, which was prepared in partnership with the Roman Catholic Archdiocese of Boston, Fleet Financial and the Greater Boston Chamber of Commerce, concluded that approximately 36,000 housing units, in addition to those currently planned, are needed for Greater Boston alone. Further, approximately 15,000 of those units must be affordable housing or subsidized units. It appears that housing will continue as a major agenda for the justice community for several years to come.

Another critical issue facing clients in Massachusetts is that of domestic violence. Legal issues involved in domestic violence cases are varied and complex. Courts, however, have been slow to understand fully the ramifications of domestic violence on a household. The abuse of a mother often affects the physical and mental health of her children. Further, substantial issues remain long after the abuser is out of the home. Frequently, visitation orders are issued without regard to the mother's safety. Many victims of abuse are reluctant to pursue child support due to fear of further violence from the abusers. The resultant lack of resources is one of the major factors in women returning to batterers. The absence of adequate child support often keeps battered women and their children in poverty, under poor living conditions, with diminished access to education and job training, daycare, and schools.

In 1994 Temple University Institute for Survey Research released a study which had confirmed the obvious: domestic violence was so pervasive an issue that special measures were required for solutions. The demand for domestic violence related services continues to be dramatic. During calendar year 2000, one battered women's shelter and advocacy group provided advocacy to 4,058 callers on the 24-hour hotline, 4511 support group encounters in six different communities, 1,398 individual counseling sessions, shelter for 95 women and their children and 2,730 legal advocacy encounters. On a monthly basis, the agency referred 80 to 100 women to legal assistance. The Massachusetts' justice community's response to the crisis was

the creation of the Battered Women's Legal Advocacy Project (BWLAP) funded through a categorical appropriation by the Massachusetts legislature. Through BWLAP legal aid offices partner with local shelters and other service agencies to provide a coordinated system for the delivery of holistic legal assistance to victims of domestic abuse in Massachusetts. Project staff provide centralized intake for domestic abuse matters. Direct representation is provided in complex divorce, paternity, custody and support matters. Legal aid staff train lay advocates in partner organizations to assist victims obtain restraining orders and provide back up in contested hearings. They also train court personnel, lay volunteers, staff in shelters and other agencies about the legal issues involved in domestic violence matters. Staff has worked to establish safe supervised visitation resources. Legal assistance is not limited to matters related to family law. Representation is provided on a broad range of matters. Often housing is a primary need. Assistance is provided both to maintain current housing and, when necessary, to obtain new housing when safety concerns require victims to relocate. Assistance with issues regarding familial status and subsidy based discrimination arising as victims seek new housing also is available.

Services are provided in a variety of ways. In one community, attorneys offer monthly legal clinics at a shelter for battered women. Women meet individually with an attorney to discuss their legal problems, including divorce, custody, and child support, as well as consumer debt problems, eviction or mortgage foreclosure, public benefits, and employment problems. The attorney provides advice and/or a referral, and may assist in preparing papers with which the woman can use to proceed *pro se*. In another town, legal aid staff participates in monthly meetings in which the work of several agencies is coordinated and collaborative projects are designed to serve victims of domestic violence. Another project convenes monthly roundtable discussions at the local district court with the participation of court officers, police, victim witness advocates, and the district attorney's office. One city hosts a monthly city manager's breakfast meeting that brings together advocates, key political figures, and law enforcement agencies.

The work of staff attorneys and paralegals is augmented by the assistance of *pro bono* attorneys. Some service areas have panels of attorneys on call to obtain protective orders. Other lawyers provide representation for the divorces and attendant custody and support issues for clients with histories of domestic violence. Another group of private lawyers provides assistance to immigrants encountering problems of domestic violence. The need for assistance for this population is particularly acute, as a divorce, if not properly handled, may expose the victim, usually a woman, to the danger of deportation. *Pro bono* attorneys also assist with major cases. For example, a large firm is providing *pro bono* counsel to Jane Doe, Inc., a shelter, in an *amicus* brief in a matter pending before the Massachusetts Supreme Judicial Court. The case involves residency requirements for certain public benefits. Such residency requirements can have a disproportionately negative impact on victims of domestic violence who may come to Massachusetts fleeing a batterer.

## **2. Components of the Delivery System**

The Massachusetts delivery system is designed to provide the full range of legal services to potential clients throughout the state. It is a system of interdependent staff programs working with the private bar in virtually all forums in which representation and advocacy are required.

The components of the system are:

- *Advice, Intake and Referral:* There are six regional programs with centralized intake systems, supervised by experienced advocates and sharing characteristics of effective intake systems. All use toll free telephone lines, can arrange for outreach visits, coordinate with other service providers, and offer intake, advice and referral in both English and Spanish. Actual legal advice, when appropriate, is provided in the initial contact in all regions. Referrals are made to appropriate programs when the caller presents a problem for which services are available. Callers are also given an “honest no” if no services are available.
- *Pro se Assistance:* Legal aid programs, often in conjunction with the courts, operate many and varied *pro se* programs throughout the state. These include attorney of the day programs in housing and family courts; clinics; and the provision of written materials and/or on-line information.
- *Community Legal Education:* Both staff and *pro bono* programs provide community education opportunities in a variety of subjects.
- *Full Representation:* The network staff and *pro bono* attorneys and law school clinical programs provide full representation to clients seeking assistance in a variety of case types.
- *State Support:* State support is another essential component to the Massachusetts system. Massachusetts has the good fortune to have one of the oldest and most impressive state support programs in the country in Massachusetts Law Reform Institute (MLRI). Their efforts are augmented by statewide substantive task forces (many managed by MLRI). The task forces serve as important components in the delivery system as they keep staff apprised of emerging issues, serve as a clearinghouse of new developments as well as a vehicle for cross-program co-counseling on major statewide cases.
- *Services to Special Populations:* Massachusetts provides services to some special populations through separate statewide programs, most notably inmates served through Massachusetts Correctional Legal Services and those institutionalized for mental illness through the Center for Public Representation. Such programs not only provide direct services to the targeted populations, they also serve to provide backup to field offices in certain specialized matters.
- *Pro bono:* *Pro bono* assistance from the private bar augments the services of staff programs throughout the state. Private lawyers assist with *pro se* projects, serving

as attorneys of the day in both family and housing courts. They handle individual cases in a range of subject areas as well as provide an invaluable resource in specialized areas such as housing and economic development.

### **3. Mechanisms to Assess the System's Performance**

Both LSC and non-LSC programs use the ABA Standards for Providers of Civil Legal Services to the Poor. MLAC has established performance standards for all its grantees that are variations on those adopted in Washington State and Michigan. MLAC also conducts regular monitoring visits on its grantees with teams that include veteran legal aid advocates from around the country. In addition, specific components of the system are periodically assessed (the advice/intake system is currently under review). At its statewide meeting on access/intake on February 8, 2001, the project directors agreed to develop a plan to study outcomes of the work. A subcommittee of project directors will provide some options for review and adoption for the project directors in the fall, 2001.

### **4. Availability of Equitable Legal Assistance to All Eligible Clients**

The primary factor motivating the reorganization of the Massachusetts delivery system in 1996 was to ensure that eligible clients, whether they were immigrants or citizens, whether they required redress in an administrative hearing or in the state legislature, or whether they needed a remedy through a phone call or a class action, had access to the delivery system. Five years later, it appears that the efforts were successful in meeting the goal. As discussed in more detail below, all programs have some bilingual staff and many augment their in-house resources through agreements with local community groups and/or through Language Line. Special projects in many communities (also described further below) reach out to diverse populations. All programs have demonstrated an interest in ensuring that special populations be provided access throughout the system. Naturally, it remains understood and agreed to by all programs that no program, or group of programs, can adequately address all the needs posed by clients in a given service area. Each program or group of programs must make resource allocation decisions, which may vary from community to community.

In an effort to continue to ensure equitable access, the Massachusetts community is looking to technology for assistance. As described in greater detail below, the statewide website dedicated to client education and information dissemination will be the source of expanded community legal education and self-help materials. Additional technological improvements in telephone systems will be explored as a possible way to create a single entry point to the statewide system.

### **5. Use of Technology to Increase Access and Enhance Services and Plan Initiatives to Support the Integrated Statewide Delivery System**

Over the past several years, Massachusetts legal services programs have

increasingly used technology to increase access to and enhance services. First, all offices have met the minimum standards for computerization: computers on all desktops linked through networks within offices; internal and external e-mail; desktop access to the Web; desktop-computerized legal research through a statewide contract with Lexis; and, in programs with multiple offices, linkage through high speed lines.

In addition, the delivery of services is enhanced through technological tools for legal staff such as the development of customized document production packages for family law matters and evictions. Such programs speed document preparation and actually serve as learning tools, ensuring that issues are not overlooked in pleadings.

Websites also enhance delivery and increase access. The Massachusetts Legal Services site, [www.neighborhoodlaw.org](http://www.neighborhoodlaw.org), hosted by Neighborhood Legal Services (NLS) targets potential clients, providing client oriented materials and information. It also directs clients to appropriate programs in their service areas. The site receives over 2,200 hits a day. Massachusetts Law Reform Institute operates a website, [www.masslegalservices.org](http://www.masslegalservices.org), for legal services advocates. The site stores administrative agency decisions and guides, unreported judicial decisions and a wealth of specialized material on poverty law. Members of statewide substantive law task forces serve as editors and contributors for the site's library. The sections on welfare, housing and training are now available. Additional subjects will come on line within the year. Several other programs also have developed their own websites- [www.lscii.org](http://www.lscii.org), [www.mvlegal.org](http://www.mvlegal.org) and [www.gbls.org](http://www.gbls.org) - that are linked to the statewide systems.

Programs are also using the web in their *pro bono* work. On the websites of NLS and Volunteer Lawyers Project, [www.vlpnet.org](http://www.vlpnet.org), private attorneys can register for *pro bono* panels. On VLP's site, lawyers can also register for training programs and choose a case from lists of pending matters as well as access some basic legal research.

There is a statewide technology committee that, in conjunction with the project directors, has agreed to cooperatively develop technology projects. The general areas under consideration are client access, collaboration and productivity. A major priority for client access is to expand information available through the current website and to institutionalize staffing for the website to ensure that as new developments occur, staff is available to post details and explanations for the benefit of clients. The state is seeking funding to integrate the two websites and to expand their use and accessibility by clients, advocates and *pro bono* attorneys. Massachusetts is also investigating telephone technology that would allow a single point of access for all clients statewide. An essential feature would be the ability to seamlessly transfer callers from the access line to the site where services are available.

As to improvements in statewide collaboration, the community will continue to support and improve the statewide website available to advocates for research and shared substantive information. Additions to the site would include a master training

calendar and an expertise bank that would have data on the skills and experience of advocates to facilitate consultations. Collaboration on training extends beyond Massachusetts to all of New England through the Regional Training Consortium.

The development and/or update of document assembly packages in three or four subject areas common to all programs is a priority aimed at increasing productivity. Many Massachusetts advocates have used document assembly programs for a number of years and see the benefit of such programs in their practice. They are eager to expand and upgrade a tool that has immediate impact on their work.

On the whole, the community has concluded that, at this time, it is more important to adequately support the existing initiatives, two websites and communication systems, than to expand into other more expensive and time-intensive projects.

## **6. Expansion of Resources to Provide Critical Legal Services to Clients Including Hard to Reach Groups**

Massachusetts, under the leadership of the Equal Justice Coalition (EJC), worked to increase the Massachusetts legislative appropriation for legal services by approximately 20%, or \$1.5M in FY2001. The EJC was formed to create a broad base of support for public and private funding of civil legal services and enhance collaboration between legal services and others concerned with the problems confronting low-income people. The EJC coordinates the annual legislative campaign for increased state funding. Over the years since its inception, the EJC has successfully broadened the political base of support for increased state appropriation for legal aid. The current membership of the EJC (list at Attachment A) includes bar associations, law schools, corporate counsel, community groups, religiously affiliated organizations, and labor groups.

The FY2002 EJC campaign, spearheaded jointly by the Boston Bar Association and the Massachusetts Bar Association, is pursuing for a \$5.5M increase in FY2002. The campaign is viewed as a multi-year effort with an ultimate goal to increase state support by \$18M. In addition, many individual programs have substantially increased their local fundraising efforts. The result in FY2000 was a statewide 23% increase in donations from law firms and individuals and a 14% increase in funding from private foundations. It should be noted, however, that “expansion” and “increases” are deceptive terms when applied to legal services resources. While substantial gain was made in FY2000 to increase financial support for legal services, the gains come three years after the state lost approximately \$4M of LSC funding. That loss, when coupled with inflation for the period, has yet to be replaced.

The hardest to reach populations in Massachusetts primarily are the elderly, linguistic minorities and/or immigrants, people with disabilities and those confined to institutions. The legal services delivery system has made and continues to make



special efforts to serve these groups.

*The Elderly:* Massachusetts legal services programs are among the most successful in the country in obtaining and retaining Older American Act funds through local area agencies on aging to target elder services. All areas of the state are served by elder projects operated by legal services programs. There is a statewide legal services task force on elder issues, which focuses on emerging problems of that population as well as serving as a clearinghouse on legal developments and successful programs.

*Linguistic Minorities:* All Massachusetts programs make great efforts to provide services in multiple languages. All programs have some bi-lingual staff and many subscribe to programs such as Language Line to provide services beyond the staff's in-house capacity. The community supported a successful grant application to the Boston Bar Foundation by Neighborhood Legal Services of Lynn to translate community legal education materials into several languages. The materials are available for use throughout the state and through the statewide website. This is typical of the coordinated efforts the community supports to avoid duplication of effort.

The legal services community is working closely with the Chief Justice of the Trial Court and the Boston Bar Association to support the Supreme Judicial Court's request for additional funding for court interpreters, a line item woefully inadequate to meet the growing need for such services. *Pro bono* programs have worked with the Asian American and Hispanic Bar Associations to expand the participation of bi-lingual attorneys in the delivery of legal services.

*Immigrants:* In 1996, several Massachusetts legal services programs withdrew as LSC grantees specifically to ensure that all financially eligible immigrants would have access to legal services throughout the state. The Immigration Legal Services Collaborative has worked together successfully to raise funds to deliver immigration legal services. In addition, several programs operate special projects to reach out to specific immigrant groups and farm workers: Greater Boston Legal Services' Asian Outreach Project, Merrimack Valley Legal Services' Cambodian Outreach Effort and its outreach project to victims of domestic violence; Southeastern Massachusetts Legal Assistance Corporation's farm worker projects; and a similar farm worker project operated by Western Massachusetts Legal Services. These projects have been developed with some of the increased funding from private foundations noted above. There is a statewide immigration coalition which includes all segments of the immigration bar, private and public interest, which coordinates the delivery of services and the allocation of resources.

*The Disabled:* The Massachusetts legal services community has been in the forefront of providing specialized services to people with physical and mental

disabilities. For over twenty years, the Massachusetts legislature has provided targeted funding to assist clients with appeals of denials of Supplemental Security Income (SSI) and Social Security Disability claims. The statewide support system includes the Disability Law Center and the Center for Public Representation, specializing in mental disabilities and institutionalization issues. Again, there is a statewide task force of advocates addressing disability law issues and sharing resources and materials. Massachusetts Law Reform Institute in conjunction with other providers has produced training for legal services advocates to increase their capacity to respond effectively to clients with emotional problems and mental illness.

*The Institutionally Confined:* There are three groups included in this category and some overlap with the groups discussed above. The groups are people in nursing homes (primarily, the elderly), those institutionalized due to mental illness, and inmates in prisons. As noted above, the Center for Public Representation concentrates on the issues of the institutionalized mentally ill. The state legislature appropriates categorical funds for the representation of prison inmates through Massachusetts Correctional Legal Services. For these two populations, it is more effective and fair to provide services through specialized projects as the institutions housing the populations are distributed unevenly throughout the state. Finally, many programs operate nursing home ombuds programs and other efforts to serve nursing home residents. The statewide elder task force includes nursing home issues among the matters it addresses.

## **7. Leadership of Massachusetts Legal Services Delivery System**

Approximately four years ago, Massachusetts made the expansion of client participation in legal services leadership a priority. The first formal program developed to accomplish this goal was the Community Liaison Project (CLP). While CLP was somewhat successful, it had limited impact. The effort is currently being evaluated and alternative initiatives are under consideration.

Another of the community's targeted efforts for clients was an outreach to ensure that a group of client board members from Massachusetts be identified to attend the annual NLADA conference in 2000. MLAC offered to subsidize the expense and five client board members were recruited and attended as a group. MLAC will continue to offer the subsidy to support leadership development of clients. The notion is to identify a small number of people who will be given opportunities to work together and to get to know each other, thus creating a support group for client participation in legal services statewide efforts. Early in 2001, the same group of clients also participated in a focus group conducted as part of MLAC's strategic planning process. There are also plans to bring together periodically all client board members from across the state. A dinner meeting is scheduled for late September.

The current delivery system offers many opportunities to support and identify new leaders among staff. The Diversity Coalition with a steering committee comprised of project directors and staff has been in place for ten years. The Coalition assists programs in recruiting diverse staff through such efforts as maintaining a current mailing list for affirmative action purposes to networking and identifying people for openings. In addition, the substantive coalitions provide opportunities for advocacy staff to take statewide leadership roles in a variety of activities such as lead counsel on a large case, a point person on legislative advocacy, or primary responsibility for designing a training program.

In 2000 the Diversity Coalition surveyed all legal aid staff in Massachusetts regarding their attitudes toward their work environments and opportunities for professional development and leadership roles. The Coalition followed up on the survey responses by hosting two statewide meetings targeted at people of color in May 2001. The purpose of sessions was to learn how programs can embrace their diverse staff and how to benefit from their experiences and viewpoints. Participants will assist in identifying opportunities for leadership and professional development for staff of color in particular. Compilations of suggestions and reactions were shared with the leadership of all programs and the diversity coalition for use in developing a strategic plan to be designed in fall 2001.

## **8. Next Steps and the Involvement of Clients in the Achievement of a Client-Centered, Integrated and Comprehensive Delivery System**

As noted above, the approach to a concerted effort to involve clients in the delivery system is to identify and support a small group of clients to become more involved in the system. These clients will then assist in developing approaches to expand client participation and to attract individual clients to the work. A number of client board members were engaged in discussions and plans for this effort at a statewide session on access/intake held as part of MLAC's annual meeting on March 21, 2001. These individuals will also be targeted for further involvement.

Massachusetts, like many communities, has identified client involvement as an area needing more attention. The best approach described here, is one which is designed to make a group of clients feel not only welcome but knowledgeable as they become involved. It is also believed that clients need support from one another as well as from attorney board members and program staff.. Therefore, it is important to identify a group who can become acquainted and comfortable with each other to provide the support essential to continued involvement. To further assist in these efforts, Massachusetts is pleased that it had two representatives, a client member of the MLAC board, and a program paralegal, at the LSC national conference on client-centered delivery of legal services. The paralegal has begun work with community groups on the development of affordable housing throughout a large and decaying city. She, with support from other program staff, will provide the legal and technical support required by the client group. This is but one example of many activities in which legal aid staff provide assistance to client groups working on community-wide

issues.

## **9. Obstacles to Achieving a Statewide, Integrated, Client-centered Delivery System**

Massachusetts legal services programs have a long history of working together to deliver high quality legal services to clients. As a result, we have not encountered many obstacles to achieving a statewide, integrated, client-centered delivery system. Collaboration starts with project directors who meet regularly to discuss management and administrative issues affecting programs. The cooperation extends to advocates who regularly communicate with each other across the state to discuss updates in the law, practice issues and emerging trends. Support staff also convene periodically for training programs and exchanges that assist them in their role of supporting the delivery system.

In 1996-1997, major changes took place in the configuration of the Massachusetts legal services delivery system that fostered increased institutional cooperation among a number of programs. As a result, there is even a greater degree of cooperation and integration. Joint training programs are held between programs for *pro bono* attorneys. All programs participate in statewide training events sponsored by MLRI, the New England Legal Services Training Consortium or Massachusetts Continuing Legal Education. As noted above, all programs have access to a website developed for legal services advocates which allows legal services staff to share substantive and procedural information. Staff members have relatively instant access to any or all advocates throughout the state through electronic mail. There is a protocol for referring cases among programs throughout the state in some subject areas. Collaboration among client Board members has also taken place to promote a statewide voice for client eligible persons as described previously.

Even in a relatively resource rich state such as Massachusetts, however, an obstacle to further enhancing our collaboration and coordination is the need for increased resources. As noted above, the EJC has coordinated a successful drive with the state legislature to increase the appropriation to MLAC. Additionally, MLAC has encouraged programs to engage in private fundraising through subsidizing program participation in training programs on fundraising techniques.

Of course, there are many obstacles outside the community that restrict or impair efforts achieving an integrated delivery system. For instance, Massachusetts has a rather arcane judicial system, including substantial variations in practice from court to court. Such variations in practice make it more difficult to develop forms for use throughout the state or to use one standardized set of *pro se* materials. It appears, however, that the courts are now committed to address the issues posed by the increase in *pro se* litigants, making this an opportune time to address such obstacles.

## **10. Benefit-to-Cost Analysis of Creating a Comprehensive, Integrated and Client-centered Legal Services Delivery System in Massachusetts**

The most recent statistical analysis of the cases handled by the LSC grantees in Massachusetts shows the average cost per case to be \$287, compared to \$273 nationally according to data posted on LSC's website. Further, according to the LSC posted information, the Massachusetts LSC grantees closed 499 cases per 10,000 poor persons as opposed to the national average of 302 closed cases per 10,000 poor persons. Such data does not capture the number of additional clients provided assistance through many attorney of the day programs, community legal education programs, and even some cases excluded from LSC's CSR data collection requirements. The Massachusetts community certainly compares favorably economically, particularly given the high cost of doing business in Massachusetts, and is exceptionally efficient with regard to its productivity in terms of volume of matters handled. While the community is pleased with its current position when viewed in the context of national data, the community constantly monitors its effectiveness.

## **11. Resources, Technical Assistance and Support Needed to Meet Goals**

Additional funds would be the most direct and effective manner of assisting Massachusetts programs in meeting our goals. Many programs in Massachusetts have taken advantage of the resources of MIE to start private fundraising programs. Funding for technical initiatives also would be helpful. This would allow programs to experiment with a variety of new technologies. Programs should not be penalized if a well-formulated plan does not achieve the desired results. Much can be learned from failed initiatives as well as successful endeavors.

Also, funding for consultants on hardware, software and telecommunications is necessary. Technology programs developed in other parts of the country that are effective and capable of replication should be showcased so that legal services programs can make informed decisions about whether it or a similar project would work in their states.

### **B. Achievement of the Intended Outcomes of a Comprehensive, Integrated Client-Centered Legal Services Delivery**

#### **1) Issues Impacting Low-income Persons, Strategies Designed to Address Issues and Measurements of Success**

As noted in Section A.1 of this report, Massachusetts Legal Services Programs see a varied array of legal problems in their client communities with the "traditional" poverty areas of the law remaining staples of all programs: housing, family law (child and spousal support, domestic violence and related issues), public benefits including unemployment compensation, employment, and elder law. Consumer-related issues, particularly bankruptcy, are addressed within each program to varying degrees. In addition, special education, and employment-related matters and access to health care issues are presented. Meeting and communicating on a regular basis, legal aid advocates seek to concentrate on the finer and more complex aspects of practice within these fields.

Most of these areas of law are addressed by the whole community within substantive, statewide Task Forces, mentioned above. There is, however, an increasing focus among the Massachusetts programs to view clients' legal problems from different perspectives in an effort to address the problems in a more innovative fashion. The statewide Advocacy Coordination Group (ACG) was formed in 2000 under the leadership of MLRI with participation from all programs (LSC and non-LSC alike). ACG does not duplicate the work of the substantive coalitions but rather combines the expertise of various specialties to address issues that cut across several legal aid practice areas.

The ACG provides a "fresh look" at the way certain problems can impact upon clients' lives. For example, among areas being studied by the ACG are: clients with serious barriers, such as mental disability or substance abuse, to services or benefits; unrepresented litigants and access to justice issues; quality of education concerns; and access to employment issues. Each ACG substantive area has a subcommittee, meeting independently from the full group as well as with the full ACG. The ACG, after a lengthy process, has issued its recommendations for Massachusetts legal aid staff to fill the interstitial gaps in substantive coverage. The Massachusetts legal aid community is energized by the developing ACG activity, and views the ACG model as a genuine and meaningful strategy to address significant challenges to the client community. The ACG brings together advocates from all geographic areas of the Commonwealth cutting across established areas of concentration.

The statewide, client oriented website hosted by Neighborhood Legal Services is another strategy to address client issues. It provides self-help materials and information as well as alerting clients to a current issue or activity that may affect them. Thus, for example, every client contacting the site during the first quarter of the calendar year saw on the first screen a bulletin about earned income tax credits. This is by far the most effective way of alerting literally thousands of clients to issues of concern to them.

In the traditional legal aid practice areas, most programs have engaged in *pro se* efforts over the years without much judicial involvement. The geometric rise in the numbers of *pro se* litigants, however, has convinced the leadership of the state court system that a more creative, coordinated and systemic approach to *pro se* work is warranted. The active and enthusiastic support of the courts is essential to a successful *pro se* effort. The *Pro Se* Collaboration Workshop held in New Orleans in 2000, sponsored by LSC, the State Justice Institute, the Open Society Institute and the American Judicature Society, proved to be a catalyst for the Massachusetts community. The event brought together approximately a dozen "teams" from around the country to address existing and potential cooperative efforts between legal aid programs, the bar and the courts. Among other things the Workshop encouraged the participants to continue their efforts and association in their home states. Since the conference, Massachusetts participants designed and attended the court-sponsored Massachusetts Statewide Conference on Unrepresented Litigants, held on March 15 and 16, 2001. Some twenty-five (25) legal aid advocates joined members of the

private bar, and court personnel from throughout the state in the event. Massachusetts programs are making collaboration with the Courts (statewide and local) a further strategy for confronting the myriad issues encountered by the client community. Participants in the New Orleans Workshop also have explored expanding *pro se* assistance to include in-court “unbundled” services from law students (supervised by legal aid lawyers). Finally, an advisory committee in the Administrative Office of the Trial Court (AOTC) was established to design curriculum and guidelines for Case Coordinators for *Pro Se* Services (newly created court positions to begin operating in January 2002).

Obviously, the private bar is a necessary and welcome partner in addressing client needs. *Pro bono* assistance from the private bar not only increases the sheer number of clients who can be helped, it also expands the type of substantive services that are available. The expertise of the private bar augments the specialties of the staff advocates. The Massachusetts Supreme Judicial Court’s Standing Committee on *Pro Bono* (whose membership includes two legal aid program directors and MLAC’s executive director) continues to be a statewide vehicle for assessing and increasing *pro bono* representation by the private bar. The Committee’s activities thus far have included surveying bar members regarding their *pro bono* involvement, launching an awareness campaign (developed through the good services of Massachusetts Continuing Legal Education) and issuing its first annual report to the Court (previously submitted to LSC).

Community education programs are being identified that are appropriate for clients where legal services resources are otherwise limited. Through community-based workshops, clients would gain greater knowledge and information to become more effective advocates for themselves and their communities. For example, the Center For Law and Education has committed to collaborate with local programs to lead parental workshops throughout the state to improve educational achievement for all students. The Center is soliciting the participation of clients who may be interested in taking on leadership roles.

Another community/client-based endeavor is the sponsorship by MLAC of client board member meetings across program lines to (initially) follow up on client-related topics addressed at the 2000 NLADA Conference. These meetings also will provide a forum for discussions and strategies on issues identified by the client community.

Low-income people in Massachusetts face other problems in addition to those traditionally presented at legal aid offices: e.g., issues of environmental justice and the inequitable allocation of public transportation resources. In many communities legal aid staff tap the expertise of the private bar and/or other segments of the public interest bar, such as the civil rights community, to assist in such concerns.

Massachusetts programs use a variety of measurements to assess future success in addressing statewide objectives. Perhaps the most important indicia of

success is information on the actual benefits achieved for clients, such as more low-income housing, increased benefits received, increased child support/alimony orders and/or other indicia that the Outcomes Committee may develop). Also important is the sheer number of people served; how many people are being reached whether through community education programs, telephone advice systems, brochures and/or provided full representation. As expanding services and resources is a community goal, it will be important to measure funding increases as well as participation levels in private attorney involvement efforts (*pro bono*, compensated, reduced-fee programs). The establishment of additional *pro se* programs in cooperation with the judicial system will be monitored to assess the community's success in increasing access to the system.

Finally, it also will be essential to assess the effectiveness of technology as a tool for the delivery system since substantial resources both in time and money are being dedicated to its expansion. Such assessment will include the effectiveness of technology in sharing information, in service delivery, and in tracking adherence to articulated goals (e.g. intake, case management) as well as the use of websites, both for providing services and access to clients and information to staff and other advocates.

## **2) Expanded Access to Services through Coordination Among Providers**

As noted above, the Massachusetts programs are proud of their level of cooperation and coordination. The hallmark of this effort can be traced to the monthly project directors' meetings (LSC and non-LSC jointly) that have occurred for years as well as the regional meetings held twice a year with project directors from throughout New England.

Perhaps, the single greatest accomplishment of coordination within Massachusetts has been the Equal Justice Coalition bringing business leaders, private attorneys, social services and charitable entities together with the legal services community to address the unmet legal needs of the state's poorest residents. When the EJC was created, it was envisioned that it would provide the "umbrella" structure for continuing statewide planning for legal services delivery. Over the past few years, however, the EJC has focused on spearheading the extremely successful annual campaign to increase state appropriations for MLAC. For example, in 2000, the EJC led the effort to increase funding from the Massachusetts Legislature, securing an additional \$1.5M. The community is now exploring alternative structures to serve as the state planning vehicle.

The community's substantive legal work is coordinated and informed by statewide coalitions. Coalitions meet regularly, often monthly, to share information, brainstorm, strategize and to provide training on current developments. The specific coalition subject areas are welfare, health, employment, housing, immigration, disability benefits, family, education and elder issues.



Included among the quantifiable efforts of coordination achieved by the Massachusetts Programs (and, in some cases, New England programs) during the past two years are:

- Increased state funding for legal services;
- The Advocacy Coordination Group (mentioned above);
- LEXIS/NEXIS group contract secured for all Massachusetts programs;
- New England Legal Services Training Consortium, based at MLRI, sponsor of training events created specifically for legal services staff;
- Expansion of the Massachusetts Legal Services web site for clients;
- Development of the Massachusetts Law Reform Institute's website (funded by MLAC) providing a resource for Massachusetts legal aid staff as well as a means for sharing of information, further promoting coordination;
- Statewide protocol for referral of Battered Women's Legal Assistance Project (BWLAP) cases insuring that the most important cases are appropriately transferred between programs when necessary;
- Development of a regional two-day event for discussion of case management programs;
- Low Income Taxpayer Clinics throughout the state with some programs securing IRS grants supporting operations that provide much needed financial support for the poorest families;
- Housing and Family Court Attorney of the Day Programs in conjunction with bar associations and individual private attorneys; and
- Increased competence of staff on issues of cultural diversity.

### **3) Improved Quality of Services**

Substantial improvement in the quality of legal services delivered in Massachusetts has been achieved over the past several years. Increased funding has provided more advocates to represent poor persons. Coordination in securing services for programs has provided greater access to much-needed assistance (such as legal research, training and translation services) thereby enabling programs to better serve clients.

The creation of the ACG has improved the evaluation of client issues and it is developing new approaches to address them. This work expands on the solid efforts regularly undertaken through the statewide substantive law task forces.

MLAC and grantees have adopted performance standards that will further serve to have all programs working within comparable requirements statewide to provide uniform standards statewide for the operation of programs. MLAC has been a leader in bringing more clients into the discussion regarding statewide delivery of services and in efforts to define issues for programs. As previously mentioned, MLAC sponsored the attendance of five client board members to attend NLADA's national conference in 2000 and will do so again in 2001. MLAC also has sponsored follow-up meetings of the same individuals to keep the dialogue among the client

population moving forward.

The relationship between the legal community and the courts has steadily improved as a result of greater collaboration on *pro se* projects, building a more favorable environment for legal aid clients and for *pro se* litigants. Throughout the state, legal aid staff has developed an expertise in assessment of potential client problems and thus has been able to address them at an early stage of the intake process as well as making more effective referrals and/or intakes.

Despite a greater number of methods for private attorneys to volunteer their services (direct representation, clinic programs, lawyer of the day programs, mentoring relationships, seminar panelists, community education sessions and the like), more must be done to foster greater involvement of the private bar. In keeping with what appears to be a national trend, Massachusetts has experienced a challenging period in private attorney recruitment efforts as well as a decline in the number of *pro bono* hours donated over the past two years. The SJC's Standing Committee on *Pro bono* has commissioned the Donahue Institute of the University of Massachusetts to conduct a study on the participation levels of Massachusetts's attorneys in *pro bono* work. Among other things, the Study will address the impediments and frustrations preventing more significant and substantial involvement of the bar.

#### **4) Improvement in the Relative Equity of Client Access for All Massachusetts Low -Income Clients**

There have been a variety of improvements in the relative equity of client access for all Massachusetts low-income clients. The two major funders of legal aid in Massachusetts, MLAC and LSC, distribute funds based on census counts, thereby ensuring equitable distribution of major resources throughout the state. The Massachusetts Bar Foundation also distributes funds with an eye to statewide allocation. In addition, as was noted above, more programs have increased their local fundraising, resulting in a more equitable allocation of private resources as well.

Intake systems throughout the state allow for responsive and flexible practices to meet immediate or developing needs of clients or the programs. The statewide website is a point of access throughout the state. The expanded use of Language Line services allows programs throughout the state to serve applicants or clients regardless of the language spoken by the clients or the language limitations of a particular office or unit.

Through the efforts fostered by the Massachusetts Diversity Coalition, program staff is more diverse and more sensitive to the needs of the diverse client population. The Coalition has developed and delivered a number of training sessions on cultural competence for some of the diverse populations present in Massachusetts. The trainings are tailored to specific needs of local programs, or even offices. As staff becomes more culturally competent, more diverse people seek to use their services, thus further improving the relative equity of client access.

Finally, offices and services are accessible to handicapped clients and each program makes staff available to accommodate special needs through home visits and/or other types of service delivery.

#### **5) Improvement in the Relative Equity of the Availability of the Full Range of Equal Justice Delivery Capacities and Resources throughout Massachusetts**

There was a substantial reconfiguration of programs prior to 1998. Since then, programs have continued to collaborate on the services they provide in specific areas to avoid duplicating efforts by programs that exist in the same area. Technological improvements in Massachusetts have also increased the availability of the full range of civil legal services in the state since 1998. Technology grants from MLAC have allowed programs serving all areas of the state to upgrade their computer networks, provide high speed Internet access through T1, DSL or Frame relay lines, and to provide e-mail and Internet access to all advocates at their desktops. Web sites provide a new vehicle for the availability of legal information to all potential clients throughout the state. Massachusetts continues to work on its intake system to streamline client contact and to connect the client to the program most suited to meet their needs.

To insure that such equity is achieved and maintained, programs serving the same general service area work collaboratively. All Massachusetts Project Directors meet monthly to coordinate the delivery of legal services. Eleven statewide task forces involve advocates from all programs in areas of specialty such as housing, family and public benefits law. The Advocacy Coordination Group addresses changing legal needs and ensures that programs continue to provide a full range of civil legal services.

As noted above, of the \$23.3M distributed to local legal services programs in FY2000, 72.3% was distributed based on population formulas. The amount of private money (foundations and donations) raised in FY2000 was more evenly distributed throughout the state than ever before and bore rough equity with the census based dollars. This is a reflection of the increased emphasis on such efforts locally. MLAC provided funds to individual programs to send representatives to the national fundraising conference. MLAC also sponsored a statewide program on fundraising in Massachusetts. Some programs have initiated private bar campaigns and others are about to launch such efforts. This capacity building effort includes the addition of resource development personnel to staff that will help to continue an equitable distribution of private funds.

Because of the collaborative approach to providing legal services throughout Massachusetts including program cooperation, statewide associations, equality in the distribution of funding, there are no areas of the state that suffer from disproportionate lack of resources. All areas of the state also have operative *pro bono* programs, avoiding any disproportionate lack of volunteer attorneys in any one area of the state.

## **6) Efficiency of the Massachusetts Legal Services Delivery System**

Great efforts have been made to ensure that the Massachusetts delivery system is as efficient as it is effective. Where LSC and non-LSC funded programs exist in the same service area, the programs have entered into formal understandings of the services to be provided by each program, including dividing priorities, intake responsibilities and *pro bono* services, avoiding any duplication. LSCCI, MVLS and SMLS continue to receive LSC and MLAC funds and can draw on the strength of neighboring non-LSC funded programs to provide legal services that may be restricted for LSC recipients. Programs continue to refine their intake methods and have become more uniform in their approach statewide in providing access to clients and in how client data is stored and managed. Statewide associations of project directors and task forces meet regularly to share methodology that works, to improve program efficiency and have agreed on principles that inform the system. These associations have also avoided any type of duplication of services in any area.

## **7) Expansion of the Involvement of the Private Bar in the Delivery of Legal Services**

Massachusetts often has been viewed as a national model for *pro bono* work. In the past, the Lawyers Clearinghouse on Affordable Housing and Homelessness and VLP have both been recognized nationally for their innovative approaches. Although LSC-funded programs serve as the primary coordinators of the *pro bono* efforts of private lawyers throughout Massachusetts, all programs innovatively use *pro bono* attorneys for projects such as lawyer-of-the-day programs, mentoring programs, divorce and bankruptcy clinics, law firm counseling programs. Many provide web-based services for *pro bono* attorneys. In central and western Massachusetts and Boston, programs have worked collaboratively to develop housing court intervention programs that include variations on panels of *pro bono* attorneys who serve as attorneys of the day, providing advice and/or representation to low-income clients in housing court matters. In the Boston area, programs work together to develop specialized *pro bono* panels including, but not limited to, employment law attorneys and attorneys to represent clients seeking domestic orders of protection.

As mentioned previously, the Standing Committee on *Pro Bono* Legal Services of the Supreme Judicial Court includes in its mission the dissemination of “best practices” and innovative ideas from across the state. This effort will ensure that all regions are efficiently using private attorneys in the *pro bono* effort.

The development of the Equal Justice Coalition in Massachusetts in recent years has involved private bar associations and attorneys in supporting increased funding for the provision of legal services. This collaboration provides a powerful voice to expand the delivery of legal services to low-income people. Also, all programs routinely consult with private attorneys and use their services, *pro bono*, as co-counsel in important cases. Using private attorneys to provide direct legal services, serve on the Equal Justice Coalition, assist in legal clinics, lawyer-of-the-day,

mentoring and law firm counseling projects, co-counsel on major matters, and counsel in transactional matters are effective and efficient uses of the private bar and deliver essential services to low income people throughout Massachusetts.

### **C. Organizational and Human Resource Management Configurations and Approaches**

#### **1) Current Program Configuration**

Massachusetts has six regional service areas, each served by an LSC grantee. These programs collaborate with other programs that receive state funding and other grant support, or receive additional non-LSC support themselves to serve the region. Three of the six LSC grantees operate essentially only with LSC funds, while three are dual grantees, receiving funding both from MLAC and LSC. The LSC grantees also raise approximately \$700,000 of additional funding from variety of sources. MLAC funds an additional five direct delivery programs that operate as regional partners with the LSC programs, coordinating centralized intake and other client services. MLAC-funded programs also receive significant United Way funding, Massachusetts and Boston Bar Foundation IOLTA grants, Title III-B, VAWA, various other local city and county and foundation grants. Most programs do significant fund-raising. The total of all non-MLAC funds raised by the five non-LSC programs is approximately \$6.8 million. This multifaceted approach to funding, including a broad-based appeal to the state legislature, public relations campaigns, vital Massachusetts and Boston Bar Foundations and fund-raising efforts with the private bar, the Massachusetts legal services community has achieved the highest level of per capita support for its poverty population of any state in the nation.

In addition to the direct delivery programs, there is a network of specialized programs, some also partially funded by MLAC, that provide state support functions and/or serve special populations as described earlier in this report. These programs receive a variety of state, federal and private grant money totaling approximately \$11.5M. Massachusetts is fortunate to have nine law schools in the state, all of which operate some type of clinical program in conjunction with local legal services programs. Further, there are a number of boutique *pro bono* projects sponsored by women's and specialty bar associations to serve targeted clients such as the homeless and people with AIDS.

The total dollars spent on legal services to the poor in Massachusetts in 2000 was \$31,337,253, with MLAC being the single largest funding source. The six LSC grantees receive a total of \$ 4.6 million from the Legal Services Corporation. LSC funding represents less than 15% of all legal aid funding in Massachusetts. Program funding and staffing expressed as full time equivalents (FTE's) for the direct delivery programs is as follows:

PROGRAMS	STAFF SIZE	LSC FUNDS	MLAC FUNDS	OTHER FUNDS	TOTAL FUNDING
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	(FTES)				
<b>Volunteer Lawyers Project</b>	13.1	\$1.58M	\$ 0	\$ 50,000	\$1.63M
<b>MVLS</b>	24.3	.77M	.74M	150,000	1.66M.
<b>MJP</b>	24.3	1.28M	0	43,000	1.52M
<b>SMLS</b>	17.5	.17M	.43M	405,000	1.01M
<b>LSCCI</b>	15.8	.21M	.64M	216,000	1.06M
<b>NCLA</b>	9.8	.56M	0	17,000	.58M
<b>GBLS</b>	129.2	0	3.85M	5.25M	9.10M
<b>WMLS</b>	42.8	0	1.77M	380,000	2.25M
<b>SMLAC</b>	26.6	0	1.35M	380,000	1.73M
<b>LACCM</b>	28.4	0	1.19M	460,000	1.65M
<b>NLS</b>	21	0	1.02M	290,000	1.31M

Other funding includes federal, state and local grants such as Title III B, the United Way, IOLTA grants from the Massachusetts Bar and Boston Bar Foundations and private donations through fund-raising efforts.

The system as it is now configured allows programs to serve the people of Massachusetts effectively and efficiently. Each program maintains ties to its local community while serving as part of a statewide legal services delivery system. As was reported in the fall of 2000, when viewed as a whole, legal services in Massachusetts is marked by a high degree of cooperation and collaboration within regions, and across the state.

## **2) Other Configurations/Approaches Explored Since 1998**

In the report submitted to LSC in the fall of 2000, three notable changes made since October of 1998 were detailed. VLP, LARC and GBLS have finalized a memorandum of understanding further defining the role of each organization in the delivery of services in the Greater Boston area. Additionally, MVLS and LSCCI each installed Wide Area Networks linking databases for centralized intake in the branch offices of MVLS and LSCCI.

Massachusetts programs constantly engage in efforts to refine and improve the delivery system. Massachusetts has chosen not to pursue total uniformity of approach statewide, but rather has opted to maintain local community ties for effective, client-centered service as well as political and financial support. However, through joint planning and pooling of resources in areas and projects that lend themselves to single and larger efforts, the state is achieving a uniform standard of quality. Examples include the New England Legal Services Training Consortium, one statewide web site for legal services advocates, and a web site for clients and the public, featuring a section for every program in Massachusetts, a statewide contract and system for on line legal research, the Equal Justice Coalition, serving as a statewide resource for lobbying and publicity campaigns around funding, and cooperative efforts to measure

service to clients and the effectiveness of our programs.

There has not been a formal reconsideration of configuration since 1998. However, as is obvious from previous sections of this report, the Massachusetts legal services community has not only considered alternative approaches to its delivery system, it has implemented many initiatives in the past three years. In addition, on February 8, 2001, the project directors devoted a day to begin an evaluation of the current intake system. They assessed and reaffirmed the original goals for the system:

- Increased service on a broader range of issues even if the service is limited to advice, including *pro se* materials
- Increased access
- Provide appropriate service as soon as possible, including an “honest no”
- Identification of emerging needs or systemic problems
- Allocation of resources to their highest and best use
- Make full range of services available within the system

It was concluded that, while all of the stated goals continue to be espoused, some were a lower priority than others. It appears that from the few years of experience to date, the data on emerging issues and systemic problems has not been used in any real way to fashion programs’ work loads. In fact, that data shows clients identifying individual legal problems, many of which are already addressed to the degree resources are available.

After identifying concepts for expanded use of technology, the directors delegated further evaluation to the Technology Committee. The Technology Committee reported back to the project directors at their March meeting with a list of suggestions to pursue. The group reached agreement on several items and again charged the Committee to develop details and options for the directors’ consideration. Some items have been adopted, as discussed under the section on technology above. The Technology Committee is exploring funding sources to implement them.

Additionally, changes have been made to ensure a uniform level of quality in the regional intake systems. MLRI has provided statewide trainings and events for the lawyers and paralegals performing central intake. Each program has improved its supervisory structure and refined its method of setting priorities for its own work and that of the providers receiving referrals. Programs have continued to upgrade case management software and create Wide Area Networks, and all programs have met and developed conforming standards for case counting, tracking and reporting. Increased use of a statewide legal services web site allows advocates throughout the state to

share information, brief banks, and court and administrative decisions and to report important developments and share strategies about future efforts. By posting legal resources and client educational materials created all over the state, programs everywhere have access to the best and most uniform materials that are now used in all offices and distributed to clients everywhere. Programs are more efficiently dealing with those cases that require advice and brief service, and improving the referral mechanisms for those cases that will receive more complex assistance from other service providers and the *pro bono* bar.

Finally, Massachusetts legal services programs are convinced that the success of recently initiated fund drives, the 23% increase in funding from non-LSC, non-MLAC sources statewide, and the 14% increase in the state appropriation for MLAC are proof that the current configuration is appropriate for Massachusetts.

### **3) Duplication in Capacities or Services**

Although there may be some duplication in administrative capacities, particularly in the fiscal area, there is virtually no duplication in the provision of legal services as the community has worked hard to ensure that a high degree of coordination exists in service delivery. As to the administrative capacities, the community spent considerable time analyzing such issues in 1996/7 and determined that only modest savings were to be gained by consolidation of such services. Furthermore, the community continues regularly to review areas where duplication may be eliminated. For example, MLRI coordinates training throughout the state. The project directors periodically work on statewide contracts with vendors, such as Lexis/Nexis. In a different area, the community is working with the Diversity Coalition to develop a model affirmative action plan that can be adapted for individual program needs, saving all programs hours of time in creating new policies.

Massachusetts programs are jointly investigating a new case management system that may be used by all programs. A committee of the directors and tech staff developed an RFP. Three responses were received. Responders completed a detailed questionnaire and provided demonstration diskettes. Both will be distributed to all programs. Demonstrations of the programs will be made during a one-day session held at Suffolk University Law School. At that stage, it is anticipated that some vendors will be eliminated from consideration. Site visits will be made at programs using the systems still under consideration. It is anticipated that a vendor will be agreed upon and negotiations completed by the spring, 2002.

This type of coordination and collaboration will continue to ensure that any duplication of services will be minimized throughout the delivery system.

### **4) Innovative Service Delivery Systems /Mechanisms/Initiatives Adopted Since 1998**

Several of the innovative service delivery initiatives adopted since 1998 have



been discussed previously in this report. As noted, much effort has been expended on *pro se* work. Legal services programs, often in collaboration with local courts and bar associations, have increased the use and success of various *pro se* clinics and court based assistance programs. This has been a significant development in the delivery model since 1998. MLRI has undertaken to track the accomplishments of roughly thirty such programs throughout the state as a way to create statewide discussion of similar projects and to measure the success of specific models, thereby providing a basis on which the community can determine which efforts to replicate and which to abandon. Law school clinics, self help legal clinics that assist clients in the preparation of pleadings and other legal documents, lawyer for the day models, and court based *pro se* facilitators are among the programs operating in regions throughout the state. In addition, the March 2001 statewide *pro se* conference was a source for additional ideas that the community plans to implement. At that conference, attended by approximately 350 people, including judges, court personnel, private attorneys, bar leaders, and legal services staff, consensus was reached on the following set of principles proposed at the conclusion by Judge Barbara Dortch-Okara, Chief Justice for Administration and Management of the Trial Courts:

1. The Court system should express an institutional commitment to a policy statement and action plan regarding *pro se* litigants;
2. At every appropriate opportunity, the courts will inform litigants that legal representation is advisable, except in those proceedings developed with *pro se* litigants in mind, such as abuse prevention proceedings under chapter 209A and small claims proceedings;
3. Increase training and education for judges and court staff dealing with *pro se* litigants, especially non-English speaking *pro se* litigants;
4. Promote existing court programs that assist *pro se* litigants to navigate through our courts;
5. Study the nature and extent of *pro se* litigation in our courts.

While some, or even all, of the consensus points may not appear to be groundbreaking items, they represent a substantial step forward for the Massachusetts judicial system. The Courts and other partners in planning around these issues, including legal services staff, currently are developing a vehicle for future progress.

In FY2000, the community established the statewide Advocacy Coordination Group (ACG) whose purpose is to identify issues facing clients statewide and to develop appropriate statewide responses. MLRI coordinates the group that consists of twenty people, both staff and project directors, and has representation from throughout the state. Also included among ACG's goals is the promotion of programs to be undertaken on a statewide basis, such as in the efforts to assist migrant farm workers,

children or persons with disabilities. In its initial year of operation, ACG identified four major areas for attention: 1) barriers to service; 2) unrepresented litigants; 3) quality education; and 4) barriers to employment.

In addressing barriers to service, the group has concentrated on the problems of special populations, namely the mentally ill and substance abusers. The group has reviewed intervention projects in which health care providers, the mental health department and the courts have collaborated to identify at risk tenants and individuals facing other legal problems and have successfully provided a variety of supports to address both legal and other case management problems. Recommendations included promotion and replication of these efforts; greater tracking by all legal services programs of the numbers of clients who are already connected with mental health or substance abuse treatment programs; advocacy with HUD and other funding sources to include such projects among those eligible for funding with homelessness prevention money; and greater use of peer group and lay advocacy programs.

With regard to unrepresented litigants the group is undertaking the review of existing *pro se* projects as described earlier. Further, initiatives will be undertaken to make the courts themselves more user friendly both by creating staff positions within the courts such as *pro se* clerks and developing procedures and practices to address the needs of *pro se* parties. Programs are emphasizing work with their local judges to develop *pro se* programs and try to improve and streamline court procedures particularly in uncontested matters. Also, this group will support the recommendations of the ABA Ethics 2000 initiative, which remove barriers to the involvement of private attorneys in lawyer for the day and other such programs

ACG is currently analyzing an appropriate ACG role as well as a statewide strategy for addressing the substantive issues of education and access to employment. Responsibility for implementing the agreed upon strategies will be shared by staff throughout the state and without regard to program affiliation. The ACG is an excellent example of state planning on issues of substantive law and the methods of service delivery.